

IN BRIEF
RAINEY COLLINS
LAWYERS

MAORI ISSUES

Summer 2007/08

WELCOME

to the Summer edition of Rainey Collins Maori Issues newsletter.

In this new look edition we focus on issues for you and your whanau to consider over the summer holiday. These articles and others are available on our website www.raineycollins.co.nz.

You can download them or send them to others.

We wish you and your whanau a safe and happy start to a prosperous New Year.

Nga mihi o te Tau Hou.

The Year Ahead

2008 will be another busy year for claimants involved in current Waitangi Tribunal Inquiries:

Whanganui hearings are underway and Hearing Block 2 is scheduled for March 2008 and Hearing Block 3 is scheduled for September 2008.

The **East Coast** research is well advanced and will continue into 2008.

Project briefs have been discussed with claimants for **Te Rohe Potae** and research will start in January 2008.

New Year Resolutions

With the arrival of another year it is time to think about putting into action all of your New Year resolutions. Maori Issues Partner, Peter Johnston, sets out 8 ways to help you and your whanau kick-start 2008.

1. Become a Maori Authority

Consider becoming a Maori Authority and maximise your tax benefits. A Maori Authority is taxed at a flat rate of 19.5%. This compares favourably with normal Companies and Trusts who are taxed at 33%.

If your organisation meets the criteria, you can elect Maori Authority status by applying to the Inland Revenue Department. Before making your decision, you should obtain advice from your professional advisors, including your accountant or tax advisor.

2. Register Your Charitable Organisation

Registering your charitable organisation with the new Charities Commission may result in income and gift duty tax exemptions. Even if you currently have tax exempt status, from 1 July 2008 non-registered charities will no longer receive exemptions for charitable purposes. Consider registering now to avoid the rush and to ensure your charitable organisation is not denied the benefits of "registered charity" status.

3. Set up an Ahu Whenua Trust

Apply to the Maori Land Court to set up an Ahu Whenua Trust to administer your multiply owned freehold land. Once it is set up, Trustees can utilise and develop the land.

4. Join a Kiwi Saver Scheme

Consider carefully which Kiwi Saver Scheme you will join. This will be one of the biggest saving decisions that you face. Ensure that the scheme you choose meets your risk profile and consider obtaining advice from an independent financial advisor.

5. Prepare for Waitangi Tribunal Hearings

Start preparing your evidence for hearings now. Presenting evidence before the Waitangi Tribunal is hard enough without having the added pressure of rushing to prepare at the last minute.

New Year Resolutions – *continued*

Early preparation of a brief will also ensure that you have time to reflect upon your evidence, and if necessary make changes before the hearing commences.

6. Make a Will

Have you made a Will or updated your Will recently? Having an up-to-date Will ensures that your wishes are complied with and your whanau are protected. Matters which can be covered include:

- a. Who you want your property to go to.
- b. Who you want to administer your estate when you die.
- c. Where you want to be buried.
- d. What type of funeral or tangi you want to have. For example, do you want to have a tangi at a marae, at home or in a church?

- e. Whether you wish to donate any of your organs.

7. Claim Unclaimed Dividends

Do you or your whanau own interests in Maori land? If yes, you should check the Unclaimed Monies list to see whether or not you have any unclaimed monies. You can find the unclaimed dividends list at <http://www.tpk.govt.nz/about/structure/mto/unclaimedmoneys.asp>.

8. Protect Your Business Name and Logo

Did you know that without a trademark, you do not own your business name and logo? You can easily get some further protection for your business name and logo by registering either or both online as a trademark for \$112.50 each. For more information on trademark applications, go to <http://www.iponz.govt.nz>.

What About Your Christmas Tree?

Do you have trees on your land, or are you thinking about planting any? If so, you may be entitled to carbon credits if you opt into the Emissions Trading Scheme (ETS).

If you have already opted into the ETS or have forests planted before 1990 you should also consider the liabilities you could face if you wish to convert your land to another purpose such as agriculture.

The ETS is complex. In order to maximise your forestry profits and minimise losses, make it one of your New Year's resolutions to seek professional advice.

The Maori Issues Team at Rainey Collins wish you and your whanau a happy and prosperous New Year.



CAMPBELL DUNCAN
SENIOR SOLICITOR



BRYAN GILLING
SOLICITOR



PETER JOHNSTON
PARTNER



JOELLA SARICH
SOLICITOR



CIARA LUI
SOLICITOR

RAINEY COLLINS LAWYERS

Tel (04) 473 6850
Fax (04) 473 9304
DX SP20010

www.raineycollins.co.nz

Level 23 Vodafone on the Quay
157 Lambton Quay
PO Box 689
Wellington 6140

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